

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Improving Communications Services)	GC-Docket 11-41
For Native Nations)	
)	
)	

Comments of the Iowa Tribe of Oklahoma

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Executive Summary

The Iowa Tribe of Oklahoma appreciates the efforts of the Federal Communications Commission to bridge the digital divide in Tribal lands, its recognition of the special issues associated with doing so, and its efforts to embrace the sovereignty of nation nations in so doing. The Commission seems to have a good grasp of the issues involved which include high cost, geographic challenges, and an intrinsic lack

of return on investment (ROI) for perspective service providers have combined to leave tribal lands in wanting.

It is critical to the Iowa Tribe of Oklahoma and Indian country as a whole that the Commission place a strong priority on the bring service to native lands. Current programs and regulations are clearly inadequate to do so, but a new priority coupled with dedicated funding in the form of dedicated broadband and mobility funds should produce major inroads to solving this problem. A protective framework of tribal consultation and coordination is also important to ensure that these investments and priorities are implemented in a manner than truly benefits Native Americans as intended.

Introduction

The Iowa Tribe is the center of a Sovereign Nation with inherent powers of self-government recognized as such by treaties and legislation. In the Ioway language we are called Ba-kho-je [Gray Snow]. The Iowa Tribe of Oklahoma, also known as the Southern Ioways, are assigned an allotment bounded by the Cimarron river to the north, the Deep Fork River to the south, the Meridian Line to the west, and one mile west of highway 18 to the east.

Broadband access is a large concern. Although we are less than 20 miles from a major university where broadband is readily available in multiple forms from multiple carriers and even high speed research connections such as the National Light Rail (NLR) area also available, our land has nothing more than traditional T1's. These circuits are unreliable due to the age of the cable and its integrity being compromised where it crossed the Cimarron River with forms our northern boundary.

Cellular access is accessible, but bears discussion because of the circumstances which bring it to the tribe's land. Our eastern and western boundaries both follow state highways. There is also a highway (Oklahoma HW 33) which closely follows the Cimarron River. The desire of carriers to ensure coverage for travelers on these roads has led to the availability of coverage on the periphery of tribal land. In the interior, however, areas such as Fallis, Oklahoma have little to no connectivity.

Comment 1 – Native Nations Priority

The further application of native nations priority would indeed be very helpful to the overcoming the intrinsic capitalistic barriers that currently deter carriers from investing in the build out required to bring service to tribal homes and anchor institutions. Although the Universal Service Fund (USF) was created to address similar scenarios, the vagueness of the Commissions definition of "reasonable request" has enabled carries to keep natives as "have-not's". Refining this definition and inserting a tribal priority with USF and other FCC programs and regulations would serve as an essential means of bringing shifting focus to the plight of Indian country.

The impact of this change to tribes is too enormous to easily articulate. The current lack of broadband connectivity serves as an impediment to the education proper education. Tribal members

and their children must often leave their home and even their land to gain access to the internet as required for homework or personal research. The ever shrinking, connected world made possible by the Internet excludes Indian country, thereby making it difficult to affectively engage in e-commerce. Economic development in general is hindered. Current efforts are reduced to word of mouth and highway billboards attract travelers to tribal enterprises.

Comment 2 – Native Nations Broadband Fund

The creation of a Native Nations Broadband fund is not only necessary, it is critical closing the current digital divide. Whether to focus on anchor institutions or residential areas is likely to be a question which can only be answered by the governance of each sovereign tribe. Either way, dedicated funding is a must. The Iowa Tribe would need to be able to make nearly a six figure investment just to get fiber optic cabling to its northern most boundary closest to public telecommunications facilities. No carrier would expect a positive return on investment for such a high expenditure to such a small customer base.

Oklahoma is predominantly a rural state. The Broadband Initiatives Program (BIP) and the Broadband Technology Opportunities Program (BTOP) will have significant impact on the state, but will make no change to the Iowa Tribe and our neighbors. The Iowa Tribe of Oklahoma is too small to consider becoming its own provider. Accordingly, the tribe contacted numerous providers/vendors who had registered for participation in these programs and asked to be included in their plan, offering to provide right of way, construction support, etc. None of them responded with much more than placating remarks.

Comment 3 – Models for Deployment

Clearly, there is no one model that works for all tribes, or even most tribes. Necessity has dictated the creation of many of the current Native-owned telecommunications providers. When traditional carriers failed to provide the service quality needed by Indian country, some larger tribes were left with no other choice than to build their own facilities. Smaller tribes, however, don't always have the ability to operate their own communications company. Furthermore, given that the margins in the telecommunications industry are shrinking, there is little incentive for entry.

The Commission should, therefore, allow not only for a model which supports the native-owned telecommunications carriers which have developed over the past decade, but it must also support deployment which allow native nations to work in concert with existing carriers to obtain the desired services. In doing so, it is important that tribal governments be in the driver's seat to ensure that service is offer where the individual tribe needs it and at the appropriate service levels.

Comment 4 – Consultation and Coordination

The FCC's creation of the Office of Native Affairs and Policy is an exciting step toward ensuring the lack of consultation and coordination is resolved within the Commission itself. Outside its walls however, working with existing carriers to negotiate secondary market purchases, request service, or have any type of open dialog is often met with the same inattentiveness described above.

The Iowa Tribe would encourage the Commission to provide a mechanism of brokering secondary market discussions. In the Consumer Affairs Bureau, the Commission may even consider special treatment of lack of responses to service requests and similar complaints from Indian Country.

Most importantly, however, the Commission must include attestation in any rule making. Too often carriers have made bold claims regarding the services supposedly offered to tribal lands. When meetings do occur, it is furthermore, not uncommon for providers to ignore the very leaders they ostensibly came to hear. Instead, they insultingly refer to the fact that the meeting occurred as their fulfillment of a consultation or coordination process. Steps must be taken to stop this abuse of the Indian people and trampling of the sovereignty of their nations.